

ESTTA Tracking number: **ESTTA677538**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91211530
Party	Plaintiff J-Lynn Entertainment, LLC
Correspondence Address	NEADOM T MEDINA J LYNN ENTERTAINMENT LLC PO BOX 12365 MILL CREEK, WA 98012 UNITED STATES tamar@j-lynnentertainment.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Neadom T Medina
Filer's e-mail	tamar@j-lynnentertainment.com
Signature	/Neadom T Medina/
Date	06/11/2015
Attachments	notice of reliance 6_Opposition_91211530_F.pdf(5462971 bytes)

NOR Ex. Number	Deposition Exhibit	Description	Trademark Rule	Relevance
7	7 - Medina	Set of email correspondence from the Applicant	2.122(e)	Shows the Applicant had not legitimately used his mark in commerce for IC009, IC016, IC032, and IC025

Respectfully submitted on June 9, 2015

J-Lynn Entertainment, LLC
/Neadom T Medina/
Neadom T Medina
PO BOX 12365
Mill Creek, WA 98012
440-610-5827
tamar@j-lynnentertainment.com
Petitioner

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board

Registration No. 3682041

For the mark ADVENTURES OF SHADOW,

J-Lynn Entertainment, LLC,

Petitioner,

vs.

William T. Odonnell,

Registrant.

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Cancellation No. 92056491
Opposition No. 91211530

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I respectfully submitted a copy on this Notice of Reliance upon the Applicant and his counsel on June 9, 2015, to the Trademark Trial and Appeal Board and to be served, via email, via FedEx, via first class mail and via the TTAB's Electronic System for Trademark Trials and Appeals (ESTTA), postage prepaid, upon:

Matthew H. Swyers
The Trademark Company
2703 Jones Franklin Road, Suite 206
Cary, NC 27518

The Trademark Company
344 Maple Avenue West, PMB 151
Vienna, VA 22180

/Neadom T Medina/
Neadom T Medina

Member
PO BOX 12365
Mill Creek, WA 98012
440-610-5827



Tamar Medina <tamar@j-lynnentertainment.com>

THE ADVENTURES OF SHADOW CAT

Bill Odonnell, Jr. <billjr@odonnell.ws>

Fri, Sep 28, 2012 at 11:26 PM

Reply-To: "Bill Odonnell, Jr." <billjr@odonnell.ws>

To: "tamar@j-lynnentertainment.com" <tamar@j-lynnentertainment.com>

Hi Lynn

Just letting you know and save you time and money you are stealing my trademark and using the "Adventures of Shadow(R)" by calling it THE ADVENTURES OF SHADOW CAT that you filed with the trademark in August. Plus also knowing that NINJA SHADOW ADVENTURE(R) is a computer game. Because of both of our companies that already have trademarks the trademark board will come back and say that because of all ready these names out there you will be turn down. I was trying to tramark years ago Tufts Production and was turned down same with William Tufts Production because they said people would be confussed by mine with Tufts University so both were turned down and I lost time, money and delays.

Since yours is almost the same as mine you will be turned down. If by slim chance it does get to the stage of to be published which would not happen for about 10 months or so. I will file a complaint and it could go to court.

Since you are in early stage I would file a change to the name and come up with a new one. I have been able to shut down two books one with dogs and cats by using my name. So you can build your trademark and product I would find a new name that does not infringe on others trademark.

Thanks for taking care of this before you and I waste time and money dealing with this. If you do publish a game using this I will also turn a trademark lawsuite for all units used and stealing my trademark.

Thanks Again

Bill Odonnell

Owner of Adventures of Shadow(R) and Odonnell Entertainment(R) Both are trademarks.

J-Lynn Entertainment LLC vs William T Odonnell Opp No. 91211530 (Parent) /Can No. 92056491(Child) Opposer Notice of Reliance Exhibit 7__01



Tamar Medina <tamar@j-lynnentertainment.com>

THE ADVENTURES OF SHADOW CAT

Bill Odonnell, Jr. <billjr@odonnell.ws>

Wed, Oct 3, 2012 at 4:52 AM

Reply-To: "Bill Odonnell, Jr." <billjr@odonnell.ws>

To: Tamar Medina <tamar@j-lynnentertainment.com>

Hi Tamar 😊

It is great or amazing that at last a person understands what it is to have a trademark and what it really does. Sorry you had to find out this way. But at least you do not have to do as much as this one company did. I am a Christian and this Christian author and publisher was using the reverse of my trademark and was calling it Shadow Adventure Series I did as I did to you and they had all the covers printed and pages but was not put together. So they re-did the cover and some of the pages and it was to be put together so if the Lord did not have me checking one night and it was say a week or so later - it would have been very costly for them and would have had to set a new release date. I understand that the new title is doing great and the Lord is blessing it. So my guess the same thing here happen too.

Before you get too far in I came about it before it gets too far. Even though it looks like you have T-shirts and have been on TV those can come down quick and start the change faster. But if I did not come about it the trademark people would have denied it, I am 99.9% sure of it and who knows how much money you would have put in advertising and letting people know and all sudden you have to stop ASAP. You would be in the same boat I was with Tufts

Production. I spend many thousands and that name was out there and all sudden Tufts University said no and the trademark people said it was fine and was published, anyway than Tufts University lawyers got involved. It was approved and I was going full force than all of sudden I get a notice from the trademark office the mark was canceled and said that you can try and fight it or stop using it. But they pretty much said, on the phone - basically no hope. So I stop but than I said I would do two trademarks William Tufts Production and Odonnell Entertainment(R) Tufts University did the same-thing I was approved by the trademark office but than had to stop. But the Odonnell Entertainment(R) went through with flying colors. Which I thought out of the two was the long shot because of Rosie Odonnell. But she just did her name

J-Lynn Entertainment LLC vs William T Odonnell Opp No. 91211530 (Parent) /Can No.

92056491 (Child) Opposer Notice of Reliance Exhibit 7_02

so I was able to get it no problem. But I lost thousands and thousands of dollars because of the delay. Plus about 4 years or so wasted time and money. If it is basic like my "Adventures of Shadow(R)" was no one has anything like it out there it took about 8 months or so to get it but a little longer for the Odonnell Entertainment(R) but the the other two that had Tufts in it the first one took 1 1/2 years or so and lost and the other was about 9 months or so but I did not bother with it since I had the other go through.

But in your case for one the name is basically the same with a THE and CAT added to it. My dead trademark at first was "A Tufts Production" but they came back and said "A", "THE", etc in front of your name can NOT BE TRADEMARK so I had to admin it to just TUFTS PRODUCTION. Since your mark has not been looked at yet and no trademark lawyer added to your case it is good since it is easier to change but once they get in it is very hard. You have to do what they say and wait and wait.

If you come up with some names send them to me. I have gotten pretty good looking at if it can be trademark or not. I do not mind doing that for you. But the secret is when looking punch in like how I look say Adventure Shadow first than adventure cat.

But because how the trademark works is since I have "Shadow" part of my trademark and is connected with an animal. You more likely can never get anything trademark with "Shadow" if it is an animal. It is like "Lassie" does not matter "Lassie Cat" or what ever would never be allowed to be trademark either. Same with Snoopy you could never get Snoopy Cat either. Say the name you choose is Scarlett you look through all the description of Scarlett if it does not have any animals connected to it and since it is a name of a person type this has a very good chance of being trademarked. Say you pick Scarlett Cat I would find a different name instead of adventure in front or back because Adventure titles take longer and because it may get mixed in with Felix the Cat which is trademark and you may be denied too by those people. Since I believe Adventure / Cat are trademarked too. So really the name you picked would never have gone - "Adventures of Shadow(R)" is trademark, Shadow is trademarked as an animal, adventure and word cat are trademarked and you can not use "THE" in a trademark name. So if I did not come about it for months the trademark people would have denied it because of multiple trademarks mixed in.

But what you come up with - run the names by me and I can at least do a quick check to see if you may or may not have a problem.

I do not mind doing this for you since you were nice enough to write back a nice letter to me and willing to change things. In the long run it would save me money up front fighting this and also in the long run how much money you could have lost if it ever got to that point. Back to the book that I mention by that publisher they changed the name of the dog and title because both they knew was trademark as an animal. But really a person would have a hard time trademarking "Adventures of Shadow" since it is like Coke Cola, Disney, etc.

If you can on your face-book pages (two I found - so far) and your website or websites change all to "The...Cat" plus all tags you have too on pages in mega tags and any place listed. Also any pictures that have that, t-shirts, etc. Plus you may want to contact the local channel you were on, or nay other media or comics, books, etc and have that pulled down but out of that they may do a new interview with the new name etc and give you new PR without out you or them mentioning the old name. It might be a pain now but if this went for 4 to 6 months out or longer it would be even harder to change all info out there. Some people who had to go to court would be ordered to do this plus fines if not not right a way. So really it may be a pain but in the long run at least you found out now instead of later. I am also trying to deal with a few others who are using "Adventures of Shadow(R)" in blog and videos etc. In short time I hope people should get the point that it is a trademark as you did. I am hoping that in short order I too get enough money to get this thing really flying. But the trademark is being used a lot and hope to have many things going.

A calendar is in the works this year and a book is being published by book publisher and not a do it yourself one. But between dealing with my dog dying, dad have heart surgery and coming about watching my trademarks besides training the new dog for the movies etc. Plus trying to make a living while all this is going on is very hard.

So I do know what you are going through. I do owe some money not as much as you but a lot. About \$8 to \$9,000 just dealing with my last dog health issue only not counting every day care or check ups. I also purchase one puppy that never came and lost about \$1,000 plus the time training to get it ready to take over the role. Had to find the one I now have and even though I lost a lot of

money and time but it is worth in in the long run. I have a much better dog than the other puppy plus it did get at least 5 moths with my other dog now it needs to learn and I need to get things moving faster now. But once things get in place I too hope it really gets a house hold name.

Your new name for your game will be great because you are honoring a persons trademark which means you have integrity.

I know you may be upset or sad about this name change both name of game and the character but the Lord has a much better name for your project and will do great. I will try and help you on this at least the name part so possible this will not happen again. I know I have much better trademarks because of my other two being turned down.

You can say that you are changing the name and stay tuned to see what the new name will be. (Something like that) Be sure to sign up and to be notified of the new name coming in a few weeks out. **We are so excited about this new name for this character and so will you.** But we want to have it build so be-sure to sign up and be the first to know it. Something like that. In the long run this may add new spice to the game. Since your llc name is out there people would still find you without any mention of the name you were using.

😊 **Thanks Again for dealing with this and looking forward on helping you out with the new name and check it out for you.**

In His Service

Bill Odonnell

Owner "Adventures of Shadow(R)" Odonnell Entertainment(R)

From: Tamar Medina <tamar@j-lynnentertainment.com>

To: "Bill Odonnell, Jr." <billjr@odonnell.ws>

Sent: Tuesday, October 2, 2012 9:27 PM

Subject: Re: THE ADVENTURES OF SHADOW CAT

Hello Mr. Odonnell

J-Lynn Entertainment LLC vs William T Odonnell Opp No. 91211530 (Parent) /Can No. 92056491(Child) Opposer Notice of Reliance Exhibit 7__05



Tamar Medina <tamar@j-lynnentertainment.com>

THE ADVENTURES OF SHADOW CAT

Bill Odonnell, Jr. <billjr@odonnell.ws>

Thu, Oct 4, 2012 at 1:01 PM

Reply-To: "Bill Odonnell, Jr." <billjr@odonnell.ws>

To: Tamar Medina <tamar@j-lynnentertainment.com>

Hi

Looks like you are slowly pulling down sites and links the one face-book page seems down as does <http://adventuresofshadowcat.com/> the others are still up but happy you have have started. Once the Youtube clips and site goes down and the other domains that has the adventures of shadow in it, Kickstarter gets pulled and update your main site j-lynn etc dumps all of the info within 3 weeks or so the search engs should start to dump the rest and a month or two when you do a search it makes it easier to find what's up still.

Once you find a name you like and update trademark with it the part with trademark search end will start the update to that name. Plus by finding and updating before they appoint someone is that you will not have to wait as long. You are already inline if you can not find the trademark update form let me know - I have it marked from long ago and if they change the link should not take long to update.

How many T-shirts did you do or were they just designs and none run except what your friends and you wore and gave out to host?

But I am glad that you see the important of not continuing and that in the future if some try it on your new name they will be just as good as you are doing to my mark by removing everything.

Hopefully you did not pay to far a head on the domains that had adventuresofshadow in them looks like the one you parked already was max 2013. How many did you have with this name in it? Looks like you had 21 domains in your name but have not checked to see how many had adventuresofshadow in them. Looks like two at least.

So in the future no one else try to gets these domains and you do not have to

J-Lynn Entertainment LLC vs William T Odonnell Opp No. 91211530 (Parent) /Can No.

92056491 (Child) Opposer Notice of Reliance Exhibit 7 06

get renewing them this way I may have to pay each year for them now but at least by what you started my trademark will be protected from others who may try and pick this up. You can not sell these since it is my trademark but to protect you in the future and my mark it would be helpful that I have these. I will just park them and not really use them. When you transfer the domains (that have adventuresofshadow in them) to my account see this link on how to do it <http://support.godaddy.com/help/article/822/moving-a-domain-name-out-of-your-account?locale=en> my login is **odonnellent** (I had to transfer all the Tufts Production domains to Tufts University that I had and I just renewed them for two years at the time. I believe I had six of them and this was before I found go-daddy and they were 35.00 a year cost me about \$420 plus the ican fees and I also had to pay to have them transfer to them.) In your case looks like they are only 6 months left or so it was good we have caught these when we did. Plus it is done free since I belong to godaddy too. These will never be used for e-mails but most likely just parked as you are start doing now.

Sorry this happen but a few good things may come of this
One possible we may come friends from all this and in time may be able to help each other out.
two you may get a very cool name that may make your new mark a household name.

But again thanks for realizing how important it is

Take care Bill

From: Tamar Medina <tamar@j-lynnentertainment.com>

To: "Bill Odonnell, Jr." <billjr@odonnell.ws>

Sent: Wednesday, October 3, 2012 9:13 AM

[Quoted text hidden]

[Quoted text hidden]



Tamar Medina <tamar@j-lynnentertainment.com>

I noticed not much has been done yet on pulling down sites.

Bill Odonnell, Jr. <billjr@odonnell.ws>

Fri, Oct 12, 2012 at 4:14 AM

Reply-To: "Bill Odonnell, Jr." <billjr@odonnell.ws>

To: Tamar Medina <tamar@j-lynnentertainment.com>

Hi Tamar,

The other website still up, twitter is still up, you-tube is still up, indigo site still up and that has t-shirts on them, plus some others please take down ASAP. You are still violating my trademark. I can contact some of these sites and they would pull you down but I rather have you do it. Thanks for taking care of this. Please see below for the other concerns and name I found for you.

Thanks Again Bill

From: "Bill Odonnell, Jr." <billjr@odonnell.ws>

To: Tamar Medina <tamar@j-lynnentertainment.com>

Sent: Thursday, October 4, 2012 4:28 PM

Subject: Found a new name that looks like would go through and would be your own and I believe you may like it.

Hi Tamar

I found a name that may work for you and it seems to be available "**Adventures of Max Cat**" I noticed looking at your pages, which some are still up and spotted that you had the title all along. The character name is Max. So I did some checking a many hours looking into this name and I believe you are safe. No one has "Max Cat" trademark same with "Adventures of Max Cat". By making a minor change in name with the trademark company you should not have a problem, since some of the name is still in place.

I believe you just need to update trademark:

ONE - DROP the "The" this would never fly with them no matter how much a person love the word "THE".

TWO - DROP "Shadow" and put in "MAX" Also throughout your write up in the trademark application drop all the "The" and "Shadow" with them. I do not believe you will have too much problems. I do not believe this will cost you any more to do this, at least with the trademark company.

"Past examples of applicant trolling the internet and threatening legal action against others. When his mark is subject to cancellation for related categories of goods and services."

Ellie

Ellie Mann
Web Production Assistant
Aardman Animations

<http://www.aardman.com/digital>



From: William Odonnell [<mailto:odonnellent@sbcglobal.net>]
Sent: 29 June 2010 07:42
To: Web Producer
Subject: Wallace & Gromit Chat » The Adventures Of Shadow And Gromit You are breaking my trademark

You are breaking my trademark I want this post down How would you like me using The adventures of Gromit or Wallace I'm sure you will file a trademark leagal issue. So whats the difference of you using my trademar? Pull it down or if you ever release or if you continue this post. You will be getting one from me.

Thanks William T Odonnell owner of trademark

PS I want the whole post down now. They can repost using some totally differnt name but not my trademark

IF YOU continue using my trademark you will be looking at leagal issues. This needs to come down or else. You have been given noticed. Just change the name or else. I already have a trademark lawyer ready to go if you pursue this. Bill I have the trademark "Adventures of Shadow"(R) It is an offical Trademark. I own it and you are using it illegally. So come up with a different title or legal actions will happen in the future. My Trademark is just as detailed as Wallace & Gromit(R) Trademark is. No one else can use it without my permission. So you better come up with a different title.

Thanks Bill

ADVENTURES OF SHADOW(R) Registration Number: 3682041
Goods and Services IC 009. US 021 023 026 036 038. International Class: 009
Class Status: Active
IC 016. US 002 005 022 023 029 037 038 050.
International Class: 016
Class Status: Active

000026

From: William Odonnell <odonnellent@sbcglobal.net>
To: Ellie Mann <Ellie.Mann@aardman.com>
Sent: Friday, July 2, 2010 4:09 PM
Subject: Re: Wallace & Gromit Chat > The Adventures Of Shadow And Gromit You are breaking my trademark

Hi Ellie

Thanks you finally taking care of this. I agree kids should learn all parts of this bus. I'm glad you do that. In time we plan on doing things more like you are involving kids with our product. But also this will also teach them that they need to do reach on copyrights and trademarks. The person maybe be upset about it but that is what happens when a person does not do the research.

You may want to clarify that in your posts on copyright and trademarks. And use an example Lassie(R) meets Gromit(R) unless a person gets permission from both parties it could get very sticky and possible legal issues may happen.

When they change the name of the forum please do not use Shadow in the title of the new post and if you can edit all posts that say "Adventures of Shadow" in it. Thanks for handling of this. Your product is great and glad to see that you respect over peoples trademarks too. If people use are use are trademarks why do we spend thousands of dollars to get one?

You have a great product and glad to see you are willing to handle this.

Have a great weekend
Bill

From: Ellie Mann <Ellie.Mann@aardman.com>
To: William Odonnell <odonnellent@sbcglobal.net>
Cc: Jo Miller <Jo.Miller@aardman.com>
Sent: Fri, July 2, 2010 9:48:39 AM
Subject: RE: Wallace & Gromit Chat > The Adventures Of Shadow And Gromit You are breaking my trademark

Dear Mr O'Donnell,

Many thanks for your email- I have had a look at the chat/forum section of the website and indeed there is a thread called 'The Adventures of Shadow and Gromit'. The posts were made by a child who has signed up in order to give updates on his film-making. Please be assured that Aardman are not making a film called The Adventures of Shadow; Aardman do not make these posts to the forum, but encourage children to join in discussions about the animation work they might be making.

I have asked a web developer to change the title of the forum thread, and I've emailed the forum-user in question to let him know.

All the best,

000025

To learn more about the marketing side of the publishing industry, read Director of Marketing Mark Mingle's Blog:

<http://www.tatepubmarketing.blogspot.com>

To learn more about specific things you can do to market your book, read Associate Director of Marketing Terry Cordingley's Blog: <http://terrycordingley.blogspot.com/>

This electronic mail message contains information that (a) is or may be CONFIDENTIAL, PROPRIETARY IN NATURE, OR OTHERWISE PROTECTED BY LAW FROM DISCLOSURE, and (b) is intended only for the use of the addressee(s) named herein, and (c) is protected by copyright and may not be displayed or shared with any other person other than the intended recipient. If you are not an intended recipient, please send an email immediately to publish@tatepublishing.com and take the steps necessary to delete the message completely from your computer system.

-----Original Message-----

From: Bill Odonnell [<mailto:billjr@odonnell.ws>]

Sent: Wednesday, August 03, 2011 5:33 PM

To: Tate Publishing; krista@tatepublishing.com

Subject: I would like more info about Tate Publishing

How did you hear about us:

I Am Shadow...One Dog's Story

Mavis Duke Hinton

Tate Publishing / Trade Paperback

#2: I Am Dachshund

Mavis Duke Hinton

OakTara / Trade Paperback

These two are breaking my Trademark "Adventure of Shadow" and is set for books. Please remove titles you can update but the Shadow Adventures has to be removed.

I do not want to take it to court but will.

Thanks for taking care of this Bill

000035

From: Nancy <nancy@thenancyway.com>
To: William Odonnell <odonnellent@sbcglobal.net>
Sent: Saturday, July 2, 2011 4:04 AM
Subject: Re: Violating my Trademark

My apologies. I have changed the name of my article. Thank you.

Sent from my iPhone
Nancy Roe

On Jul 2, 2011, at 5:28 AM, William Odonnell <odonnellent@sbcglobal.net> wrote:

The Adventures of Shadow is a Reg Trademark please change the name on your site you have a page that has The adventures of Shadow on please remove.

Thanks Bill Odonnell

http://thenancyway.com/index.php?option=com_content&view=article&id=49&Itemid=57

000336

Applicant posting threats and defamation on the Opposers online fundraising campaigning which had 2500 to 3000 people invited. The Opposer had to block the Applicant and report him to Facebook to get the defamation and threats to stop. Applicant refers to her targeting Neadom T Medina of J-Lynn Entertainment’s wife and J-Lynn Entertainment (Opposer)

